

Attorney/ Docket No: 060744.00034
 Application Ser # No.: 12632-109

REMARKS

After entry of this amendment, claims 17 through 23, 25, 26, 28 through 30, 33 through 37, 39, 40, 42, 44 through 47, and 50 through 51 are pending in the present application. Claims 24, 27, 31, 32, 38, 41, 43, 48, 49, 52, 53 have been previously canceled. Claims 25, 28, and 39 have been amended by the Applicant. On March 7, 2008, Michael Shariff, the Applicant's attorney of record conducted a telephone interview with the Examiners Jermie Cozart and David Bryant to discuss the prosecution of this application involved in interference with the United States Patent No. 6,885,231 (the '231 Patent), subject to an interference declared between the present application and the '231 Patent. Both Examiners agreed that as previously amended, the claims overcome the previous rejection. However, as amended, the claims are now rejected under 35 USC 112, first paragraph, as failing to comply with written description requirement. The Examiners Jermie Cozart and David Bryant suggested to either amending the claims without changing the scope of the claims as currently pending or pointing to the relevant paragraphs of the specification wherein support for the amended claims may be found.

Specification

The specification stands objected to under 35 USC 132 (a) because it introduces a new matter in to the disclosure. The Examiner found no support for "coaxial alignment" in the specification. As clearly defined in *Webster's Third New International Dictionary*, published by Merriam-Webster Inc., *Publishers the term "coaxial"* refers to circles having collinear centers and the same radial axis. The structural language was previously introduced by the Applicant in light of numerous court decisions, which held that: "amendments that (1) merely clarify or make definite that which an originally-filed application expressly or inherently disclosed, or (2) conform the specification to the originally disclosed drawings or claims,

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do not violate the rule on new matter", *Triax Co. v. Hartman Metal Fabricators, Inc.*, 479 F.2d 951, 956-957, 178 USPQ 142, 146 (2d Cir.1973); *in re Wright*, 343 F.2d 761, 767, 145 USPQ 182, 188 (CCPA 1965).

Figure 4, as originally filed by the Applicant, clearly depicts a valve stem (112) coaxially aligned with an opening (118a) thereby having *coffinear centers* and slightly inserted into the opening (118a) wherein an axis line (shown in phantom) bisects the valve stem (112) and the opening (118a) thereby *coaxially aligning* the valve stem (112) with the opening (118a). This previously presented introduction ("coaxially aligning") merely clarifies or makes definite which this originally filed application expressly or inherently disclosed. If the valve stem (112) and the opening (118a) do not present *coffinear centers* they will not be *coaxially aligned* with one another thereby preventing insertion of the valve stem (112) into the opening (118a). The Applicant respectfully asks the Examiner to withdraw the objection of the specification.

Claims

Claim Rejections — 35 U.S.C. §112

Claims 17 through 23, 25, 26, 28 through 30, 32 through 37, 39, 40, 42, 44 through 47, 50 and 51 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Please refer to the Applicant's arguments as set forth above as related to the support of "coaxial" in the specification. The Examiner has alluded that the Applicant's invention has no mention of any programming being performed. As set forth in *Webster's Third New International Dictionary* the term "controller" means an electric device for governing in some *predetermined* way the power delivered to an apparatus to which it is connected. Clearly, this "predetermined way" also defined a path along which the robotic apparatus is driven or manipulated by the controller.

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As further set forth in paragraph [0018] of the present application, when a wheel (14) moves within the visual range of the camera (26), the camera (26) communicates an image of the wheel (14) to a controller (28). The controller (28) compares the image received from the camera (26) with a *plurality of images stored in memory*, which correspond to all of the differently configured wheels that can pass through the identification station (24). Each of the *images stored in memory is associated with structural characteristics and physical dimensions* of a corresponding wheel (14). As further stated in paragraph [0024] the assembly (90a) moves in the direction (122) at a *predetermined* angular velocity. All of the above would be recognized by one of ordinary skill in the art as a programmable robotic manipulator and where programming is herewith disclosed.

Referring now to "gauging station" in claim 19, the Examiner has indicated that "gauging station" is different from "identification station" because the gauging station performs some sort of measuring operations whereas the identification station does not perform any measuring. As set forth in column 4, lines 27 through 34 of the '231 Patent, subject to an interference declared between the present application and the '231 Patent, the gauging station 14 is located at the end of the input conveyor 10 and includes a closed circuit video camera 30 mounted above the conveyor line on a support frame 32, wherein "the video camera 30 is of the type used in machine vision systems and is directed downwardly so that the camera images the upper flange 12a of a rim located in the gauging station".

As the description of the gauging station 14 proceeds in column 5, lines 6 through 11 of the '231 Patent, it further states that "when the rim 12 is stationary in the gauging station 14, the control system 22 activates the video camera 30 to image the rim..." and

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"...as each rim reaches the gauging station 14, the video camera 30 images the rim and the control system 22 *identifies* the rim as either a car rim 112 or a truck rim 212 based on programmed physical features as described above", as set forth in column 6, lines 34 through 38. There is no support in the specification of the '231 Patent to indicate that the gauging station 14 performs some sort of measuring operations.

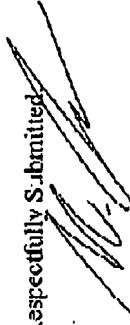
Similarly, as set forth in paragraph [0018] of the present application, the identification or gauging station (24) can include a camera (26) for identifying the wheel (14) from a plurality of differently configured wheels. When the wheel (14) moves within the visual range of the camera (26), the camera (26) communicates an image of the wheel (14) to a controller (28). The image includes structural features of the wheel (14) including the position of the valve stem aperture. The controller (28) compares the image received from the camera (26) with a plurality of images stored in memory. The Applicant respectfully submits that the Examiner's objections to the specifications are now moot.

With respect to "selectively moving" the valve stem "in response to the determining step" of claims 19, paragraph [0021] discloses a plurality of valve stem delivery stations and that different valve stem configurations are disposed at different valve. If moving the valve stem to the gauging station from one of a plurality of valve stem delivery stations *as the location of the aperture determined step*, each delivery station having a *differently configured valve stem* mounted thereon. The "determining step" was never objected by the Examiner. If the valve stems are differently configured to fit into wheels of various sizes, different valve stem have to be "*selectively movable*" before they are pick up by the robotic device to be inserted into the respective wheels. Claims 25 and 39 have been amended to render the Examiner's rejection moot and more clearly define the invention as

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originally claimed.

The proper fee for a three-month extension of time is submitted herewith. If any additional fees are necessary, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 03-2789 in the name of Howard & Howard.

Respectfully Submitted,



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Dated: April 9, 2008